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C O N F I D E N T I A L SECTION 01 OF 02 TASHKENT 000345

SIPDIS

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E.O. 12958: DECL: 02/14/16  
TAGS: [PREF](#) [PHUM](#) [PREL](#) [PGOV](#) [UZ](#)  
SUBJECT: UNHCR PRESSING FOR UZBEK RATIFICATION OF REFUGEE  
CONVENTION

CLASSIFIED BY AMB. JON R. PURNELL, FOR REASONS 1.4 (B, D).

REF: 05 TASHKENT 602

¶1. (C) Summary: UNHCR's Deputy Country Representative asked for U.S. support in encouraging the GOU to sign the 1951 Convention on Refugees and its 1967 Protocol. Uzbekistan is the only CIS state not to have signed the documents. There are currently 1,816 refugees, mostly Afghan, registered with UNHCR in Uzbekistan. In lieu of signing the UN instruments, the GOU has so far abided by a "gentleman's agreement" on non-refoulement. The GOU reportedly declined to send delegates to a UNHCR refugee law training seminar in St. Petersburg in November. It is hard to believe that the GOU would seriously consider signing either document now, especially as it blames UNHCR for helping to remove Uzbek refugees from Kyrgyzstan following May events in Andijon. End summary.

¶2. (C) In a meeting with poloff, UNHCR's deputy country director, Asako Nozawa, asked that the U.S. encourage the GOU to ratify the 1951 Convention on Refugees and 1967 Protocol on the Status of Refugees. To date, 143 states have signed the Convention, which defines the legal status, rights, and obligations of refugees. The 1967 Protocol removes geographical and time limitations from the Convention. Uzbekistan is the only former Soviet state that has not signed the instruments. Instead, in 1999, the GOU and UNHCR reached an unwritten "gentleman's agreement" under which the GOU has agreed not to refoule mandated refugees on Uzbek territory (i.e., repatriate them to a country where they fear persecution). Nozawa added that in 2005, the UNHCR did not succeed in an effort to formalize the agreement in writing. The GOU does not legally recognize refugees, who are treated as illegal aliens under Uzbek law and cannot legally hold jobs in the country. In 2000, however, the Ministry of Education agreed to provide free primary education to refugee children. According to Nozawa, the GOU lacks administrative structures and legislation for determination of refugee status.

¶3. (C) According to UNHCR figures, 1,816 refugees are now registered in Uzbekistan, of whom 1,808 are from Afghanistan, seven from Azerbaijan, and one from Turkmenistan. (Note: Most of the Afghans have been in Uzbekistan for over ten years, and fear to return home because of their connection to Afghanistan's former Communist government. End note.) Nozawa said that the GOU restricts freedom of movement for refugees, requiring them

to inform UNHCR of any travel plans. The GOU requires UNHCR to provide the Foreign Ministry and Office for Visas and Registration (OVIR) with a list of registered refugees. UNHCRQs Tashkent office has registered 381 asylum seekers, who are awaiting a determination of refugee status. The number of asylum seekers in Uzbekistan has been on a downward trend in recent years. (Comment: This may be because Uzbekistan is now a less attractive destination for asylum seekers, particularly as the situation in Afghanistan improves and that in Uzbekistan declines. End comment.)

14. (C) Nozawa said that over the past five years UNHCR has participated in a working group drafting a law on migration. Others in the group include the OSCE, Ministry of Labor, and the Institute for Monitoring Active Legislation, an NGO that was shut down in 2005. She said that UNHCR strongly pushed for including provisions on refugee rights, using language from the 1951 Convention, but without success.

15. (C) UNHCR supports a network of six local NGO implementing partners located in Tashkent (reftel), Termez, Nukus, and Kokand, which provide support, training and counseling to refugees. In 2005 UNHCR conducted training on refugee law for GOU officials, journalists and students. UNHCR is awaiting an EU decision on whether to fund further training in 2006. Nozawa told poloff that the Ministry of Foreign Affairs had declined a UNHCR invitation to send GOU officials to an international refugee law training seminar in St. Petersburg in November 2005. Also, Nozawa said that the Head of the GOU's Human Rights Center, Senator Akmal Saidov, strongly criticized UNHCR during its annual

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Executive Committee meeting in Geneva in October 2005. Saidov specifically denounced UNHCR's handling of the Andijon refugees by its Kyrgyzstan and Uzbekistan offices.

16. (C) Nozawa told poloff that there had been disagreement between UNHCR's Tashkent office and Geneva headquarters over whether to monitor the Andijon trials. Tashkent-based staff were reluctant to monitor the trials, believing it fell outside their mandate. However UNHCR management in Geneva insisted that its staff monitor the trial after it became apparent that one of the defendants had been returned from Kyrgyzstan.

17. (C) Comment: In the current environment it is impossible to believe that the GOU would even consider signing on to the document, much less entertain any representations from the U.S. on the subject. The government is still smarting from UNHCRQs role in removing Uzbek refugees from Kyrgyzstan following the Andijon events. The irony of asking the GOU to sign an agreement not to refoule refugees to countries where they might face persecution is palpable as Uzbeks in Russia, Kyrgyzstan, and Kazakhstan fight extradition back to an uncertain future here.

PURNELL